

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11 CV 35**

SYNOVUS BANK,

Plaintiff,

Vs.

**CHARLES KIMMEL, JEREMY
KIMMEL, JAY LURIE and
ELIZABETH POST,**

**Defendants, Counterclaimants &
Third Party Plaintiffs,**

Vs.

**Synovus Financial Corp. d/b/a National
Bank of South Carolina; Synovus
Financial Corp.; Keith Vinson,
individually; Keith Vinson d/b/a Seven
Falls, LLC; Seven Falls Real Estate, LLC;
Seven Falls Realty, LLC; Seven Falls
Golf Club, LLC; Seven Falls Golf &
River Club, LLC; Seven Falls Club
Amenities, LLC; Seven Falls Lodging,
LLC; Seven Falls Ventures, LLC; Seven
Falls Property Owners Association, Inc.;
Mountain Development Company, LLC;
and Zeus Investments, LLC; Seven Falls
LLC; Seven Falls Real Estate, LLC;
Seven Falls Realty, LLC; Seven Falls
Golf Club, LLC; Seven Falls Golf &
River Club, LLC; Seven Falls Club
Amenities, LLC; Seven Falls Lodging,
LLC; Seven Falls Ventures, LLC; Seven
Falls Property Owners Association, Inc.;
Mountain Development Company, LLC;
Zeus Investments, LLC,**

Thirty Party Defendants.

ORDER

THIS MATTER is before the court pursuant to a “Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan” (#13) filed by the plaintiff and third-party defendant, Synovus Bank and Synovus Financial Corp. d/b/a National Bank of South Carolina and counsel for the non-bank, third-party defendants. It appears to the court upon examining the file that there is a pending “Motion to Dismiss” (#11) that was filed on May 24, 2011. The court is of the opinion that the court should rule on the Motion to Dismiss prior to the entry of the Pretrial Order and Case Management Plan. The undersigned has consulted with the District Court and has found that the District Court is in agreement. The undersigned will strike, without prejudice, the “Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan” (#13) and will address those issues after the court has ruled upon the Motion to Dismiss (#11).

ORDER

IT IS, THEREFORE, ORDERED that the Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan (#13) is hereby **STRICKEN** without prejudice pending ruling upon the Motion to Dismiss (#11).

Signed: June 17, 2011



Dennis L. Howell
United States Magistrate Judge

